

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case Nos. 1:19-cr-14, 1:19-cr-46
v.)	
)	Judge Travis R. McDonough
)	
KELVIN WHITE)	Magistrate Judge Susan K. Lee
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation (Doc. 34 in Case No. 1:19-cr-14, Doc. 179 in Case No. 1:19-cr-46) recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea as to Count One of the one-count indictment in Case No. 1:19-cr-14 and Count Ten of the nineteen-count superseding indictment in Case No. 1:19-cr-46; (2) accept Defendant's guilty plea to Count One of the indictment in Case No. 1:19-cr-14 and as to the lesser included offense of the charge in Count Ten of the Superseding Indictment, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty as to Count One of the indictment in Case No. 1:19-cr-14 of the lesser included offense of the charge in Count Ten of the superseding indictment, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the amended plea agreement (Docs. 33, 177) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. Neither party filed a timely objection to the

report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 34 in Case No. 1:19-cr-14, Doc. 179 in Case No. 1:19-cr-46) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea to Count One of the one-count Indictment in Case No. 1:19-cr-14 and Count Ten of the nineteen-count Superseding Indictment in Case No. 1:19-cr-46 is **GRANTED**;
2. Defendant's plea of guilty to charge set forth in Count One of the Indictment in Case No. 1:19-cr-14 and to the lesser included offense of the charge in Count Ten of the Superseding Indictment in Case No. 1:19-cr-46, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the charge set forth in Count One of the Indictment in Case No. 1:19-cr-14 and of the lesser included offense of the charge in Count Ten of the Superseding Indictment in Case No. 1:19-cr-46, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C);
4. A decision on whether to accept the amended plea agreement [Docs. 33 and 177] is **DEFERRED** until sentencing; and

5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 6, 2020, at 2:00 p.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**